

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

SPECIAL MEETING AGENDA

Jarvis Hall 4505 N. Ocean Drive

4505 Ocean Drive

Tuesday, November 03, 2015

5:00 PM

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

4. NEW BUSINESS

- a** Acquisition of Real Estate at 4410 Bougainville Drive, Majestica Apartments
(Bud Bentley Ass't Town Manager)

5. ADJOURNMENT

THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES NECESSARY TO AFFORD INDIVIDUALS AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE TOWN COMMISSION. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO (2) DAYS PRIOR TO THE MEETING AT (954) 640-4200 FOR ASSISTANCE.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO INSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PROCEDURES FOR PUBLIC COMMENTS:

Public Comments may address issues that are not on this meeting's agenda, but should relate to the business of the Town, and should not contain personal attacks. If your comment requires follow up, the Town Manager will have a staff person respond to your concerns, and will advise us of the outcome.

The Town Clerk will read off the names of those who have signed up to speak. When your name is called, please come to the podium, state your name for the record, and indicate whether you are a Town resident. Do not state your address. You have up to three minutes to make your comments, but there is no requirement to use the entire time. If you wish to address a particular Commissioner or member of Town Administration, please do so by use of their title.

If you wish to approach the Commission dais to hand out a document or for some other reason, please request permission and state your reason for doing so. All documents to be provided to the Commission should be handed to the Town Clerk for distribution, at

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the far right end of the dais.

These procedures have been developed to assure that the Town Commission meeting time is efficiently used, and that meetings are conducted in a polite and respectful manner. More information on the decorum rules for Town Commission meetings is available in Section 2-23 of the Town Code of Ordinances.

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Item No. _____

Agenda Memorandum

Office of the Town Manager

Bud Bentley

Assistant Town Manager

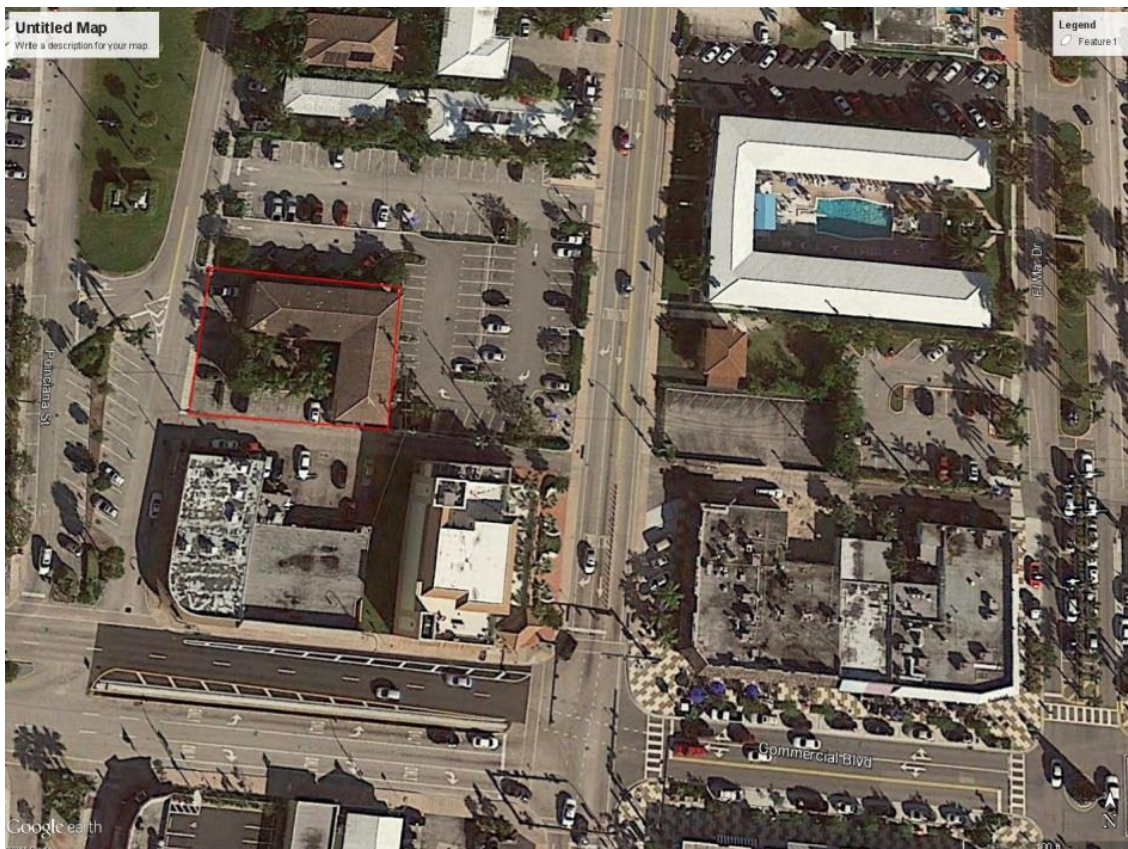
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Agenda Type: New Business

SUBJECT TITLE: Acquisition of Real Estate at 4410 Bougainvilla Drive, Majestica Apartments

BACKGROUND: At the October 13, 2015 meeting, the Commission authorized staff to negotiate for the purchase of 4410 Bougainvilla.

The Majestica Apartments, a 14 unit property is located at 4410 Bougainvilla Drive and Broward County Property Appraiser shows the property as 12, 502 square feet in size.



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Purchase of Real Estate

The process and procedures to purchase property are set out in the Town's Purchasing Manual and State Law. The applicable section of the Purchasing Manual (Revised August 19, 2014) is Section J on page 59 & 60 and reprinted here.

J. Real Estate Acquisition

The following land acquisition procedures shall be employed whenever the Town seeks to acquire, by purchase, any real property.

1. Prior to initiating any negotiations for the acquisition of any real property with the property owner, the Town shall obtain a written appraisal performed by a state certified real estate appraisers with an MAI designation. Two (2) appraisals are required when the value of the first appraisal exceeds two hundred fifty thousand dollars (\$250,000) when the Town seeks exemption from *Florida Statute 119.07(1)*. Appraisers selected to appraise real property pursuant to this Section shall submit an affidavit substantiating that the appraiser has no vested or fiduciary interest in the property that is the subject of the appraisal.
2. Appraisal reports, offers and counter-offers are confidential and exempt from the provisions of *Florida Statute Section 119.07(1)* (Public Records Law) as provided in *Florida Statutes Section 166.045* (1991) as amended from time to time.
3. No negotiations may be commenced or offer or counteroffer made by Lauderdale-By-The-Sea for the acquisition by purchase of real property without prior authorization of the Town Commission.
4. Upon commencement of negotiations, Lauderdale-By-The-Sea shall inform the property owner, in writing, that all agreements for the purchase of real property are subject to approval by the Town Commission.
5. Any agreement by the Town to purchase real property shall be submitted to the Town Commission for approval at a public meeting after thirty (30) days public notice. Notice of the proposed purchase of real property shall be published in a newspaper of general circulation in Lauderdale-By-The-Sea.
6. Evidence of marketable title in the form of title insurance or an abstract of title with title opinion shall be provided to the Town, by the property owner at the property owner's expense, not later than ten (10) calendar days prior to the public hearing.
7. In order to prevent the premature disclosure of Lauderdale-By-The-Sea's interest in acquiring a specific parcel of real estate, the Town Manager may expend up to thirty thousand dollars (\$30,000) on related appraisals; and environmental studies without Town Commission approval.

The applicable section of state law is 166.045, which provides:

166.045 Proposed purchase of real property by municipality; confidentiality of records; procedure.—

- (1)(a) In any case in which a municipality, pursuant to the provisions of this section, seeks to acquire by purchase any real property for a municipal purpose, every appraisal, offer, or counteroffer must be in writing. Such appraisals, offers, and counteroffers are not available for public disclosure or inspection and are exempt from the provisions of s. 119.07(1) until an option contract is executed or, if no option contract is executed, until 30 days before a contract or agreement for purchase is considered for approval by the governing body of the municipality. If a contract or agreement for purchase is not submitted to the governing body for approval, the exemption from s. 119.07(1) will expire 30 days after

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the termination of negotiations. The municipality shall maintain complete and accurate records of every such appraisal, offer, and counteroffer. For the purposes of this section, the term “option contract” means a proposed agreement by the municipality to purchase a piece of property, subject to the approval of the local governing body at a public meeting after 30 days’ public notice. The municipality will not be under any obligation to exercise the option unless the option contract is approved by the governing body at the public hearing specified in this section.

- (b) If the exemptions provided in this section are utilized, the governing body shall obtain at least one appraisal by an appraiser approved pursuant to s. 253.025(6)(b) for each purchase in an amount of not more than \$500,000. For each purchase in an amount in excess of \$500,000, the governing body shall obtain at least two appraisals by appraisers approved pursuant to s. 253.025(6)(b). If the agreed purchase price exceeds the average appraised price of the two appraisals, the governing body is required to approve the purchase by an extraordinary vote. The governing body may, by ordinary vote, exempt a purchase in an amount of \$100,000 or less from the requirement for an appraisal.

...

[Emphasis Added]

Appraisals and Negotiated Price

We secured two appraisals as required by the Purchasing Manual and Florida State law. The results are shown in Table 1.

Table 1 – Appraisal Information

	Appraisals	Values	% above Low Appraisal
1.	Meacham	\$2,540,000	5.8%
2.	New River	\$2,400,000	
3.	Average	\$2,470,000	2.9%

The property owner listed the property at \$2,968,000 and during negotiates reduced the price to the Town to \$2,825,000 as shown in Table 2.

Table 2 – Purchase Price

		Price	Sq. Ft.	Reduction		% above Average Appraisal
1.	Listing	\$2,968,000	\$237.40			20%
2.	Negotiated Price	\$2,825,000	\$225.96	\$143,000	4.8%	13%

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Summary

The next step in the process is for the Commission to determine if you are seriously interested in buying the property at the negotiated price. If so, the Commission must schedule a public hearing on the proposed acquisition. It is at the public hearing that a purchase agreement would be voted up or down.

Please keep in mind that, since the negotiated price exceeds the average of the two appraisals, the purchase will require four affirmative votes per State law.

We have time to advertise for a public hearing for the regular Commission meeting of December 8, 2015. The appraisals and the proposed Purchase and Sale Agreement will be available in the Town's Clerk's office for public inspection.

EXHIBITS:

Reviewed by Town Attorney:

<input checked="checked" type="checkbox"/>	Yes	<input type="checkbox"/>
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